

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

May 13, 2002

IN RE:

**APPLICATION OF SGA, INC. d/b/a
AMERICOM COMMUNICATIONS
FOR CERTIFICATE TO PROVIDE
OPERATOR SERVICES AND/OR RESELL
TELECOMMUNICATIONS SERVICES**

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**DOCKET NO.
99-00713**

**ORDER DENYING APPLICATION FOR CERTIFICATE
TO PROVIDE OPERATOR SERVICES AND/OR RESELL
TELECOMMUNICATIONS SERVICES**

The Application for Certificate to Provide Operator Services and/or Resell Telecommunications Services in Tennessee filed by SGA, Inc. d/b/a AmeriCom Communications ("SGA, Inc.") came before the Tennessee Regulatory Authority (the "Authority") at the April 30, 2002 Authority Conference.

SGA, Inc. sent its Application to the Authority on September 14, 1999. In its Application, SGA, Inc. indicated that it intended to resell interexchange long distance service to Tennessee business and residential consumers. By letter dated September 24, 1999, the Authority notified SGA, Inc. that it had failed to include certain necessary information with its Application and requested that SGA, Inc. provide the information by October 25, 1999. SGA, Inc. provided the information. Due to the filing of a complaint with the Consumer Services Division of the Authority alleging misconduct on the part of SGA, Inc., further action on the Application was suspended pending resolution of the

Complaint.¹

On January 17, 2002, the Authority sent letters to the president and vice-president of SGA, Inc. via certified/return receipt mail requesting that SGA, Inc. either update its Application or notify the Authority of its desire to withdraw the Application. The envelopes and letters were returned as unclaimed and the envelopes contained a forwarding address. The letters were re-sent via certified/return receipt mail to the same addressees at the new address on February 22, 2002. These letters were returned also to the Authority as unclaimed.

Tenn. Code Ann. § 65-4-201(c) sets forth the applicable standard for granting a certificate of public convenience and necessity. This subsection provides, in part:

(c) After notice to the incumbent local exchange telephone company and other interested parties and following a hearing, the authority shall grant a certificate of convenience and necessity to a competing telecommunications service provider if after examining the evidence presented, the authority finds:

(1) The applicant has demonstrated that it will adhere to all applicable authority policies, rules and orders; and

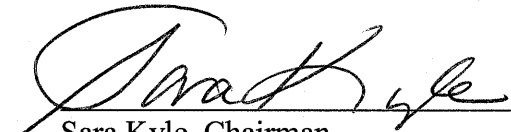
(2) The applicant possesses sufficient managerial, financial and technical abilities to provide the applied for services.


Based on the Application, the complaint in Docket No. 99-00792 and SGA, Inc.'s failure to maintain proper contact with the Authority, the Directors find that the applicable standard has not been met. Therefore, the Directors voted unanimously to deny the Application.

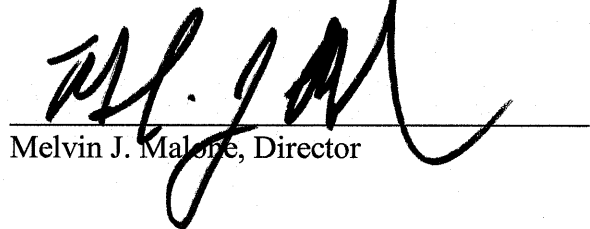
¹ The Consumer Services Division ("CSD") received the complaint on July 23, 1999. The complaint alleged that SGA, Inc. changed a business customer's long distance carrier without permission. CSD notified SGA, Inc. of the complaint and of the fact that CSD was unable to locate a certificate or license permitting SGA, Inc. to do business in the State of Tennessee. The Executive Secretary's office subsequently assigned the complaint to Docket No. 99-00792.

IT IS THEREFORE ORDERED THAT:


The *Application for Certificate to Provide Operator Services and/or Resell Telecommunications Services in Tennessee* filed by SGA, Inc. d/b/a AmeriCom Communications is denied.


Sara Kyle, Chairman


H. Lynn Greer, Jr., Director


Melvin J. Malone, Director

ATTEST:


K. David Waddell, Executive Secretary